



March 31, 1999

Ms. Denise H. Anderson  
Attorney  
Walsh, Anderson, Brown, Schultz & Aldridge, P.C.  
P.O. Box 2156  
Austin, Texas 78768

OR99-0882

Dear Ms. Anderson:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 124385.

The Troy Independent School District (the "district") and the Bell County Special Education Cooperative (the "cooperative") received a request for records of "conversations" the cooperative has had with the district or others regarding three named individuals. You seek to withhold a portion of the requested information under sections 552.101, 552.106, and 552.107 of the Government Code.

Section 552.107 protects information "that the attorney general or an attorney of a political subdivision is prohibited from disclosing because of a duty to the client under the Texas Rules of Civil Evidence, the Texas Rules of Criminal Evidence, or the Texas Disciplinary Rules of Professional Conduct." See Open Records Decision No. 574 (1990). In instances where an attorney represents a governmental entity, the attorney-client privilege protects only an attorney's legal advice and confidential attorney-client communications. *Id.* Accordingly, these two classes of information are the only information contained in the records at issue that may be withheld pursuant to the attorney-client privilege.

You advise that the cooperative acts as the agent of the district with respect to a program to which the records you seek to withhold relate, and that the records are comprised of notes made during conferences between the district staff and its attorney with respect to the district's duties under state and federal law to provide educational services to a particular individual. We have reviewed your arguments and the information at issue. We conclude that you have demonstrated that the records at issue are attorney-client communications protected by section 552.107. Therefore, you may withhold the submitted information in its entirety under section 552.107. Since we have resolved this request under section 552.107, we need not address your other claimed exceptions to disclosure.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,



William Walker  
Assistant Attorney General  
Open Records Division

WMW/eaf

Ref.: ID# 124385

Encl: Submitted documents

cc: Mr. & Mrs. Gerald Donahue  
10707 Pendleton Troy Road  
Troy, Texas 76579  
(w/o enclosures)